



Wireless Telecommunication Regulation Update Questions and Answers (Q & A)

Q: What regulations are being updated?

A: The City is updating regulations for Wireless Telecommunication Facilities (cellular antennas and associated equipment).

Q: Why modify these regulations?

A: The City needs to amend its wireless regulations, because they are not consistent with current state and federal laws; however, it should be noted that wireless facilities and internet access have become integral to the way people learn, communicate, shop, work, and socialize, and there is an increasing demand for these services. Thus, modifications to the City's regulations to meet current and future demands for wireless services are considered to be a community benefit.

Q: What are the goals of these updates?

A: The City's goals are to:

- Comply with state and federal law
- Establish robust wireless services to meet the needs of the community, while minimizing the potential aesthetic impacts of wireless facilities, to the extent permitted by law

Q: Can I comment or get more information on the process?

A: Yes! The City Council wants your feedback. Public review and comment will occur at every stage of the process. Please join us for an upcoming virtual Planning Commission Study Session & Community Meeting via Zoom on December 15, 2020 at 6:00 p.m. For more information, please visit the project website at [Belmont - Wireless Facilities Regulations Update](#). To provide comments, please email cdev@belmont.gov

Q: What is the process for review and timing of these updates?

A: The basic review process and tentative timing are provided below. The exact timing for the project will depend on a number of factors, including the number of comments received, and if any subsequent analysis or edits are needed to the draft regulations.

- Study Session & Community Outreach Meeting - (December 15, 2020)
- Planning Commission Public Hearing – (January 2021)
- City Council Meeting for Ordinance Introduction – (February 2021)
- City Council Public Hearing for Ordinance adoption – (February or March 2021)

Q: Can wireless telecommunication facilities cause adverse health effects?

A: Wireless telecommunications facilities emit radio frequencies ("RF") that have the potential to cause adverse health effects in people; however, the Federal Communications Commission



Wireless Telecommunication Regulation Update Questions and Answers (Q & A)

(FCC), in consultation with numerous other federal agencies, has developed safety standards. These standards were developed by expert scientists and engineers after extensive reviews of the scientific literature related to radio frequency (RF) and biological effects. The FCC explains that its standards “incorporate prudent margins of safety, and that radio frequency emissions from antennas used for cellular and PCS transmissions result in exposure levels on the ground that are typically thousands of times below safety limits.” The FCC provides information about the safety of RF emissions on its website at: [FCC - RF Safety](#)

Q: Can the City deny a wireless project, based on health concerns raised by the public?

A: No. As discussed above, the federal government has developed RF emissions exposure standards, and projects that conform to these standards are not considered to have a significant impact on public health. The federal government has also adopted regulations that prohibit the City from either conditioning or denying projects based on RF concerns, if the proposed facility complies with federal RF standards.

Q: How does Belmont ensure that wireless facilities meet the FCC’s safety standards?

A: As part of the application process, the City requires the submittal of a Radio Frequency – Electromagnetic Energy (RF-EME) Compliance Report (RF Report), prepared by a qualified electrical engineer.

The RF Report models proposed wireless facility installations to determine RF-EME exposure levels from existing and proposed wireless communications equipment at a particular site. The report summarizes the results of RF-EME modeling in relation to relevant Federal Communications Commission (FCC) Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures.

The City will not approve a wireless telecommunication project unless it finds that: “The applicant has provided a radio frequency (RF) report, which certifies that the proposed project would not exceed human exposure limitations established by the FCC.”

Q: What has changed in state and federal law since Belmont’s regulations were last updated?

A: State and federal regulations for wireless facilities have undergone significant modifications since Belmont’s regulations were last updated in 1996. Current state and federal laws now require that the City treat wireless facilities much like a utility, particularly if these facilities are located adjacent to roadways and sidewalks (i.e., within the public right-of-way).

The City has very limited authority to regulate (i.e., establish development standards) for the operation, location, and appearance of wireless facilities. The extent of the City’s ability to regulate wireless facilities varies, depending on the type of wireless facilities that are being proposed, where the facilities are proposed to be located, and if the facilities are new installations or additions to existing installations.



Wireless Telecommunication Regulation Update Questions and Answers (Q & A)

Q: What are the types of applications, and the state / federal limitations on their regulations?

A: The four basic application types and the state / federal limitations on each are as follows:

- New “Macro” Site – new installations of towers, and large cellular antennas and equipment on buildings where no previous sites have been approved.

The City has the most authority to regulate new macro sites, although federal law prohibits the city from denying projects if the applicant has shown that both: 1) The facility is necessary to fill a significant gap in the applicant’s wireless network; and 2) The facility is the least intrusive means of filling the service gap. As previously noted, the City may not prohibit cellular towers due to RF concerns.

- Small Cell Wireless – new installations of low-powered antennas that operate on a higher frequency, and provide cellular and data coverage to smaller geographic areas.

Federal law places significant limitations on the City to regulate small wireless facilities that are placed on existing or new utility poles and streetlight standards located in the public right-of-way, and private property.

The City may adopt some limited design and performance standards for small cell wireless facilities, and must approve them if these standards are met. Adopted design or location standards cannot effectively prohibit small cell wireless facilities. For example, a design standard requiring an antenna to be smaller than is technically feasible would effectively prohibit a project. In terms of the location of small cell wireless facilities, preferences can be identified by the City, but these facilities cannot be prohibited from any particular zoning district or area (even residential areas and schools).

- Co-located facilities (6409(a)) – additions or modifications to existing wireless facilities that meet specific standards referenced in Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, 47 U.S.C. § 1455(a).

If a wireless project is 6409(a) “eligible” than it must meet certain standards identified in federal law that characterize it as collocation or modification that is not a substantial change. These additions or modifications must be to a facility that was legally established (i.e., permitted), and they cannot violate a previous condition of approval or “defeat” any concealment methods that were approved as part of the original installation. A request



Wireless Telecommunication Regulation Update Questions and Answers (Q & A)

to modify an eligible facility that meets all of these standards must be approved by the City.

- ▶ Co-located facilities – additions or modifications to existing wireless facilities that do not meet specific standards referenced in Section 6409(a).

The City has some discretion related to aesthetics of these types of facilities, but is limited in terms of location; however, collocated facilities are usually less impactful than the establishment of new facilities, even when they exceed 6409(a) eligibility.

Q: Are there state / federal procedural limitations on the City's wireless regulations?

A: Yes. Current state / federal law includes significant procedural limitations for the regulation of wireless facilities. One key limitation is related to the timeframe for review of these facilities.

State and federal law set specific time frames for action on wireless facility applications (i.e., a "Shot Clock"). The City must approve, approve with conditions, or deny wireless facility projects within the time frames provided in the following table.

Wireless Facilities Permit Type – Timeframe for Action

Application Type	Timeframe
6409(a) modification applications	60 Days
Small wireless facilities – collocated or attached to existing support structures	
Colocation of non-small cell wireless facilities	90 Days
Installation of non-small cell wireless facilities on existing support structures	
New small wireless facilities that include new support structures	
New non-small cell wireless facilities that include new support structures	150 Days



Wireless Telecommunication Regulation Update Questions and Answers (Q & A)

Q: Are these timeframes consistent with other types of applications?

A: No. The timeframe for action for a discretionary application, such as a Conditional Use Permit (CUP), is different from the timeframe for action for certain types of wireless facilities permits (WFPs), in several important ways:

► Start Time

For a CUP, the timeframe for action begins after the application is deemed complete (regardless of how many resubmittals occur). The timeframe resets after each submittal.

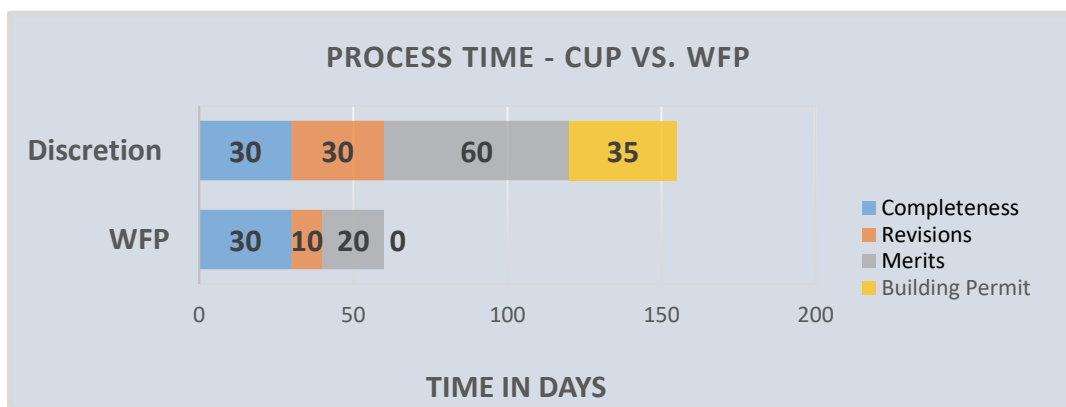
The time frame for certain types of wireless facilities permits (WFP), such as 6409 and small cell applications begin at submittal, and while they pause when an application is deemed incomplete, only ten days are allowed for review of completeness for subsequent WFP submittals. The timeframe does not reset.

► End Time

For a CUP the shot clock ends when: 1) the City takes an action to approve, or deny the project; and 2) either any subsequent appeals period has lapsed, or appeals have been resolved. No consideration is included for the timeframe in the building permit process, which takes approximately 35 days for small projects.

For 6409 & Small Cell WFP applications, the shot clock ends when the last required permit is issued (i.e., the building permit or encroachment permit).

A timeframe for the process/action comparison of a project that includes discretion, such as a CUP, and a WFP (6409 or Small Cell) is provided in the table below.





Wireless Telecommunication Regulation Update Questions and Answers (Q & A)

Q: What updates to the City's regulations for wireless facilities are being recommended to address state and federal laws?

A: The City's Wireless Telecommunication Regulations will require substantial modifications to address the requirements of current state and federal law. To the extent permitted by law, recommended modifications include measures that would:

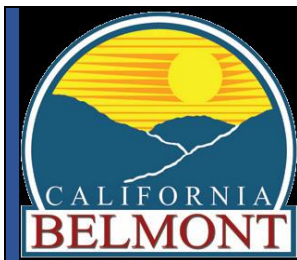
- Increase Process Efficiencies
- Establish Findings (review criteria) based on Application Type
- Identify Preferred & Discouraged Locations
- Establish Development Criteria (setbacks, height, etc.)
- Establish Performance and Design Standards

Q: What type of process efficiencies are being proposed?

A: The state and federal laws include limitations that require the City to process more applications, with less information, and in less time. As such, the following measures are proposed:

- *Frontloaded Application Requirements* – Small cell facilities and 6409 eligible applications would need to include concurrent applications for building permits and encroachment permits, as applicable. Pre-approval of a master license agreement (MLA) would also be required for facilities within the public right of way that are located on city light poles.
- *Level of Review & Appeals* - Collocated small cell facilities and 6409 eligible applications will be reviewed by the Public Works Director (facilities within the public right-of-way) or the Community Development Director (facilities outside of the public right-of-way). Deadlines ("Shot Clock") for review of these types of applications do not allow time for public hearings or appeals. Any denials of small cell facilities or Section 6409(a) Eligible applications will be without prejudice.

Other types of applications will be reviewed at levels that are commensurate with the potential aesthetic impacts of the project and the City's ability to review the application within the prescribed state/federal deadline including recognition of the City's limited authority. A draft table of potential review and appeal authorities is included in **Attachment A**.



Wireless Telecommunication Regulation Update Questions and Answers (Q & A)

- *Public Hearing, Notice, & Neighborhood Outreach* – The ability for the City to provide notice, hold a public hearing, and conduct neighborhood outreach is limited by state and federal laws, and processing deadline requirements. Draft tables of potential noticing, public hearing and neighborhood outreach requirements is included in **Attachment B**.

Q: What type of Findings are being proposed?

- A: Findings are the standards or criteria used to evaluate a project and make a decision. For the purposes of project review these findings need to be made in the affirmative for a decision maker to approve a project. The findings for approval of a Wireless Facilities Permit are based on the permit type, the type of equipment proposed, and the requirements of state and federal law. Certain findings are universal, such as the requirement to identify legal right to use of the property where the facilities would be located, and the requirement to demonstrate compliance with FCC Safety Standards (see **Attachment C**).

Q: What are preferred and discouraged locations and facility types for wireless facilities?

- A: The City may not prohibit wireless facilities in any particular area. Thus, the proposed regulations include a list of preferred and discouraged locations. The preferred location list generally identifies locations that are the least likely to result in aesthetic or environmental impacts, and the discouraged location list identifies locations that are more likely to result in aesthetic or environmental impacts.

► *Preferred Locations*

The draft table listing preferred locations for Macro sites is provided below:

Preferred Locations (Macro Sites)

Preferred Locations – Public & Private Properties
• Public Facility & Public Space (PS) Zoned Properties
• Commercial Districts/Uses
• Mixed- Use Districts
• Multi-Family Residential Private Property
Preferred Locations – Public Right-of-Way
• Macro Sites are not preferred in the Public Right-of-Way



Wireless Telecommunication Regulation Update Questions and Answers (Q & A)

The preferred locations table shows preferred locations, ordered from most to least preferred. Public facilities are listed at the top of the table, because they are owned or controlled by the City, allowing for additional design control that would not normally be permitted for private property. Commercial Districts are next on the list, because these districts provide numerous opportunities to conceal or camouflage wireless facilities (i.e., hide facilities from public view behind parapet walls, or incorporate them into clock towers or other architectural features).

► Discouraged Locations

The list of discouraged locations is treated in much the same way. The draft table listing discouraged locations for Macro sites is provided below.

Discouraged Locations (Macro Sites)

Discouraged Locations – Public & Private Properties
• Historic Districts & Buildings
• Single-Family Residential Private Property
• Open Space or Conservation Easements
Discouraged Locations – Public Right-of-Way
• Public Right-of-Way within underground or Historic Districts or fronting Historic Buildings
• Public Right-of-Way: Local Residential Streets
• Public Right-of-Way: Arterial Streets, Major Collector Streets, & Collector Streets
• Public Right-of-Way fronting City Owned Property

The discouraged locations table above shows discouraged locations, ordered from most to least discouraged. Historic Districts & Buildings, Single-Family Residential Private Property, and Open Space are listed at the top of the table, because the potential aesthetic and environmental impacts at these locations is the greatest. It should be noted that the draft regulations require that additional findings be made before locating new macro sites in Historic Districts and on Single-Family Residential Private Property, as follows:

Historic Districts

“If the facility is located on any property, or in the public right of way adjacent to any property that is within an Historic District or is a Historic Resource pursuant to the California Public



Wireless Telecommunication Regulation Update Questions and Answers (Q & A)

Resources Code that has been designed and sited to avoid any adverse effect on the historic character of the building, structure, or site, and will not affect its eligibility for designation.”

Single-Family Residential - Private Property

“If the proposed facility will be located in any residential district, that this location is necessary for the provision of personal wireless services to City residents and businesses, or their owners, customers, guests, or invitees, or other persons traveling in or about the City based on substantial evidence that locating the facility outside of a residential district is technically infeasible. ”

➤ Attachment Standards

The draft regulations also include a list of preferred facility types and attachments standards. The list is arranged from the most preferred to the least preferred. The most preferred facilities are generally less visible, or in some way camouflaged to reduce their potential aesthetic or environmental impacts. Tables of preferred locations and facility types are provided in **Attachment D**.

Q: What are the setback and height limitations for wireless facilities?

A: In general, the setbacks and height for building-mounted wireless facilities need to be consistent with those of the primary building on site; however, exceptions are permitted for completely concealed or camouflaged facilities. Exceptions to height standards are also identified for pole-mounted facilities, which account for antenna length, and the PG&E separation requirement from electrical lines.

Completely concealed or architecturally integrated features are permitted to encroach into the public right-of-way in the same measure as architectural features and signs. Setbacks, height, and encroachment standards are included in **Attachment E**.

Q: What are the performance standards for wireless facilities?

A: The proposed performance standards for wireless facilities are generally measures to preserve public safety, health and welfare; they include requirements to:

- Adhere to Building & Safety Codes
- Comply with current and updated state and federal regulatory agency standards
- Maintain Facilities in good working condition and appearance (free from trash, debris, litter, and graffiti)
- Adhere to operational standards for noise, light, and signage.

A complete list of Performance Standards is included in **Attachment F**.



Wireless Telecommunication Regulation Update Questions and Answers (Q & A)

Q: What are the design standards for wireless facilities?

A: There are different types of design standards proposed in the regulations, including preferred design standards, general design and placement standards, pole mounted standards, and equipment standards.

► Preferred Designs

Wireless facilities are listed from most to least preferred, based on their potential aesthetic impacts with the most preferred design having the least impact, and vice versa. Generally, these standards range from facilities that are completely concealed from public view due to their location or architectural incorporations to facilities that are visible but incorporate technically feasible camouflage or design treatments. Examples include:

Antennas hidden within cupolas, steeples, chimneys, water tanks & public art



Antennas that are camouflaged to appear like trees or flagpoles





Wireless Telecommunication Regulation Update Questions and Answers (Q & A)

► General Design & Placement Standards

The draft regulations propose that all new Facilities and substantial changes to Existing Facilities must conform to General Design Standards, including:

- (1) Locating and designing facilities whenever possible to blend with the existing natural or built surroundings.
- (2) Painting improvements to match the surrounding landscape and/or sky that they would be viewed against.
- (3) Painting or texturing facilities to match existing structures.
- (4) Constructing the exteriors of facilities from non-reflective materials.
- (5) Preserving design and aesthetic features.
- (6) Incorporating concealment measures sufficient to render the facility either camouflaged or stealth, to the maximum extent technically feasible.
- (7) Designing facilities to accommodate future collocated facilities to the extent technically feasible.
- (8) Placing facilities outside of driveway or intersection sight lines, and as close as feasible to shared property lines (not directly in front of residences or businesses).

► Pole Mounted Design Standards

The draft regulations include pole mounted design standards for both City light poles and wooden poles. The City standards express a preference for antennas at the top of poles (flush with the pole rather than equipment that creates arms or hanging appendages). Unless technically infeasible, the City requires that top-mounted antennas be concealed within a Radome or other concealment method that also conceals the cable connections.

Initially, specific dimensions were used for these standards (obtained from the graphics and exhibits in the City's adopted Policy for small wireless facilities in the public right of way); however, technology continues to change and there are differences between 4G and 5G technologies that are yet to be revealed. Thus, caveats were included within the proposed standards to address technical feasibility. The resulting standards are provided below.

City Light Poles

The Antenna shall be enclosed in a shroud or other built-in concealment device at the top of the pole. Except when consistent with a pre-approved design, or when the Public Works Director determines that conformance is not technically feasible, the shroud or other concealment device shall not exceed 5.5 feet from the top of the existing pole, and shall taper to meet the pole below the mast arm. If technically feasible, the diameter of the antenna and shroud shall not exceed 15 inches at their widest point.



Wireless Telecommunication Regulation Update Questions and Answers (Q & A)

Examples of how wireless facility installations on light poles may generally appear are provided below. These examples have not been reviewed for consistency with the City's draft regulations, and are intended for **illustration purposes only**.



Wooden Utility Poles

The City preference is that antennas be enclosed in a shroud at the top the pole. Except when consistent with a pre-approved design, or when the Public Works Director determines that conformance is not technically feasible, the shroud shall not exceed: (i) the minimum separation from supply lines required by CPUC General Order 95, as many be amended or superseded, plus 4 feet from the top of the existing pole or bayonet attachment, if one is used; or (ii) 4 feet above the height of the existing support structure. The antenna shroud or bayonet shall taper to meet the pole above the mast arm. If technically feasible, the diameter of the antenna and shroud shall not exceed 15 inches at their widest point.

Examples of how wireless facility installations on wooden utility poles may generally appear are provided below. These examples have not been reviewed for consistency with the City's draft regulations, and are intended for **illustration purposes only**.



Wireless Telecommunication Regulation Update Questions and Answers (Q & A)



► Ground & Pole Mounted Equipment

Ground and pole mounted equipment preferences and design standards are included that also include dimensions obtained from the graphics and exhibits in the adopted policy for small cell wireless facilities (caveats were included within these standards to address technical feasibility). Signage, fencing and landscaping standards were also included within this section (see **Attachment G**).